

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :
Heinrich HORACEK :
Serial No. NEW : **Attn: APPLICATION BRANCH**
Filed April 14, 2004 : Attorney Docket No. 2004_0435A
FOAMS EXPANDING IN A FIRE

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the provisions of 37 CFR 1.56, 1.97 and 1.98, Applicant requests consideration of the references listed on attached form PTO-1449.

A legible copy of each reference listed on the form PTO-1449 and each U.S. patent application listed below is enclosed.

1a. ☒ This Information Disclosure Statement is submitted:

within three months of the filing date (or of entry into the National Stage) of the above-entitled application, **or**

before the mailing date of the first Office Action on the merits,

and thus no certification and/or fee is required.

1b. ☐ This Information Disclosure Statement is submitted

after the events of above paragraph 1a and prior to the mailing date of a final Office Action or a Notice of Allowance or an action which otherwise closes prosecution in the application, and thus:

(1) ☐ the certification of paragraph 2 below is provided, **or**

(2) ☐ the fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.

1c. ☐ This Information Disclosure Statement is submitted:

after the mailing date of a final Office Action or Notice of Allowance or action which otherwise closes prosecution in the application, and prior to payment of the issue fee, and thus:

the certification of paragraph 2 below is provided, and

the fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.

2. It is hereby certified

a. ☐ that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Statement, or

b. ☐ that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of the Statement.

3. ☐ Consideration of the following list of additional information (including any copending or abandoned U.S. application, prior uses and/or sales, etc.) is requested.

4. For each non-English language reference listed on the attached form PTO-1449, reference is made to:

a. ☐ a full or partial English language translation submitted herewith,

b. ☒ a foreign patent office (Austrian) search report (in the English language) submitted herewith and discussed in paragraph 6 herein,

- c. ☐ the concise explanation contained in the specification of the present application at page ,
- d. ☒ the concise explanation set forth in the attached English language abstract,
- e. ☐ the concise explanation set forth below or on a separate sheet attached to the reference:
5. ☐ A foreign patent office search report citing one or more of the references is enclosed.
6. ☒ The following is a translation of the relevant parts of the Austrian Official Action:


The Austrian Patent Office has taken the following literature, which was publicly known before the priority date, into consideration concerning patentability of the application:

- D1 EP 0 050 908 A2 (Tenneco Chemicals Inc.), May 5, 1982.
- D2 DE 42 34 374 A1 (M. Müller), April 14, 1994 (no English equivalents)
- D3 JP 3149283 A (Mitsui Kinzoku Toryo KAG et al.) June 25, 1991; WPI and PAJ summaries
- D4 EP 1 127 908 A1 (Hilti Aktiengesellschaft) August 29, 2001; (equivalent to U.S. 2002-020827 A1)
- D5 M. Modesti et al., "Flame retardancy of polyisocyanurate-polyurethane foams; use of different charring agents", Polymer Degradation and Stability, 74, 2002, pages 341-347

If Applicant can plausibly prove an inventive surplus of the subject matter of the application, the argumentation of the Applicant concerning D1-D5 has to be included in the introduction.

Respectfully submitted,

Heinrich HORACEK

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April 14, 2004

FORM PTO 1449 (modified)

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICELIST OF REFERENCES CITED BY APPLICANT(S)
(Use several sheets if necessary)

Date Submitted to PTO: April 14, 2004

ATTY DOCKET NO.
2004_0435ASERIAL NO.
NEWAPPLICANT
Heinrich HORACEKFILING DATE
April 14, 2004

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
	AJ	0 50 908	5/1982	Europe			
	AK	42 34 374	4/1994	Germany			
	AL	3149283	6/1991	Japan			Abstract Only
	AM	1 127 908	8/2001	Europe			
	AN						

OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)

	AO	Modesti ,M. et al.; Polymer Degradation and Stability, Vol. 74, p. 341-347 (2002).
	AP	
	AQ	

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of form with next communication to applicant.